



Town of Arlington, Massachusetts
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Minutes 06/03/2013

**TOWN OF ARLINGTON
BOARD OF SELECTMEN**

Meeting Minutes

Monday, June 3, 2013

7:15 p.m.

Present: Mr. Dunn, Chair, Mrs. Mahon, Vice Chair, Mr. Greeley, Mr. Byrne and Mr. Curro
Also present: Mr. Chapdelaine, Ms. Rice and Mrs. Krepelka

Town Manager, Adam Chapdelaine, gave an update on the Mystic River clean-up emergency. He thanked all Town employees who responded to the scene and in particular, the Fire, Police and Public Works Departments. Also, he mentioned the recent house fire on Webster Street and the emergency on Sunday, June 2nd, when three poles and wires came down in the wind storm at the corner of Grove St. and Mass. Avenue.

FOR APPROVAL

1. CONSENT AGENDA (one vote required for approval of all items)
 - a. Minutes of Meetings: May 13, 2013; May 20, 2013
Mr. Curro moved approval. SO VOTED (5-0)

2. Approval: Department of Housing and Community Development Submission, Arlington 360
Laura Wiener, Planning and Community Development
The Local Initiative Program is a state housing initiative administered by the Department of Housing and Community Development to encourage communities to produce affordable housing for low and moderate income households. Arlington 360 is a 164 unit rental apartment community. There are twenty-six (26) affordable apartments available to households with incomes at or below 80% of area median income. Nine (9) middle-income apartments are available to households with income below 120% of area median income. The apartments may be converted to condominiums. The date of conversion is unknown but eligible tenants in the units will be given the first opportunity to purchase their units at affordable or middle-income prices.
Mr. Greeley moved approval. SO VOTED (5-0)

APPOINTMENTS

3. Appointment: Human Rights Commission
Mel Goldspie
(term to expire 6/30/2016)
Mrs. Mahon moved approval. SO VOTED (5-0)

4. Appointments: Utility Pole Working Group
Julie Benyo
Robert Fredieu
Richard Horan
Mr. Greeley moved approval. SO VOTED (5-0)

5. Appointments: Zoning Board of Appeals

Daniel J. Dunn, Chair

Mr. Dunn recommended reappointing Paul Maloy to the ZBA.

Mr. Curro moved approval of reappointment.

SO VOTED (5-0)

Mr. Dunn stated he was recommending Roger Dupont to a three year term, expiring October, 2015, and he was not recommending Joseph Tulimieri. Mr. Dunn stated his decision was based on the memo he received from one of Mr. Tulimieri's former employees. Mr. Dunn feels that Mr. Tulimieri made several errors in judgment that were unethical in nature and he cannot support his reappointment. Mr. Curro stated that he agreed with Mr. Dunn and feels the Board is charged with making these appointments to have fiduciary responsibility. Mr. Curro also agreed with Mr. Dunn that events that happen outside Arlington are relevant to this question.

Mr. Greeley stated that he disagreed and, in his opinion, those are issues in Cambridge that are being dealt with by the legal system. Mr. Greeley stated that we are his employer here and that is what we're looking at. He has not seen any unethical behavior here.

Mr. Byrne stated that not to reappoint Mr. Tulimieri could discourage others from volunteering for Town service.

Mrs. Mahon stated that even Selectmen must win re-election and are not guaranteed it.

Mr. Curro moved approval of Roger Dupont's appointment to a three-year term.

SO VOTED (3-2)

Mr. Greeley and Mr. Byrne
voted in the negative.

The following Arlington residents spoke in the negative about Mr. Tulimieri's reappointment:

John Belskis, 196 Wollaston Avenue stated he is greatly bothered by the way Mr. Tulimieri ran the ZBA meetings. He felt that Mr. Tulimieri favors the developer and not the citizens that are participating

Elise Fiore, 58 Mott Street, stated she thinks it would be an embarrassment to the Town if Mr. Tulimieri is reappointed now that we know all these things regarding the Cambridge Re-Development Authority.

Mary Margaret Franclemont, 157 Medford Street, stated she does not feel Mr. Tulimieri is ethical and has been appalled at the way he ran ZBA meetings. Also, she feels very strongly that all ZBA meetings should be recorded or taped.

LICENSES & PERMITS

6. Request: Outside Furniture Permit Extension: Capitol Theatre

Richard Fraiman

Mr. Curro described a visit to the applicant's location and shared photographs of the location. He articulated concerns regarding the granting of a permit for four tables, due to the proximity of a public bike rack and its impact on pedestrian traffic. Mr. Curro did, however, state that he had no objection to the granting of a permit for three tables, as long as they are arranged in such a manner as to minimize pedestrian impacts.

Mr. Greeley moved approval for Capital Creamery to have four outside tables with chairs.

SO VOTED (3-2)

Mr. Curro and Mrs. Mahon voted in the negative.

7. CITIZENS OPEN FORUM

Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation in accordance with the policy under which the Open Forum was established. It should be noted that there is a three minute time limit to present a concern or request.

No matters were presented for consideration of the Board.

TRAFFIC RULES & ORDERS/OTHER BUSINESS

8. Approval: 15th Annual Feast of the East, Saturday, 6/15/13

Jan Whitted, Co-Chair

Rebecca Sullivan, Co-Chair

The 15th Annual Feast of the East Festival will be held on Saturday, June 15th from 11:00 a.m. - 3:00 p.m.

Mrs. Mahon moved approval.

SO VOTED (5-0)

9. Presentation: Arlington Public Art Mural Project 2014

Adria Arch, APA

Ms. Arch stated the Town's utility boxes vary in size and are currently grey or dark green and will require several sequential applications of paint to complete the project. The boxes are visible to pedestrian, automobile and other passing traffic. Between 5 and 10 utility boxes will be painted. These boxes will be selected by the APA and forwarded to the Board of Selectmen for their approval. Boxes will be chosen specifically to highlight a variety of locations throughout Arlington.

Also, Chairful Where You Sit exhibit will be July 21 - 28, 2013 at two locations this summer:

East Arlington - Lake Street and the Minuteman Bikeway, Arlington Center - lawn in front of the Jefferson Cutter House and the Cyrus Dallin Museum.

Mr. Curro moved approval.

SO VOTED (5-0)

10. Approval: Summer Concert Series; June 19, August 21

Jennifer Tripp, Arlington Chamber of Commerce

Ms. Tripp stated the Chamber of Commerce is pleased to announce the return of Summer Concerts on the Green. The concerts will take place on the lawn of the Jefferson Cutter House beginning at 6:30 p.m. and ending at approximately 8:00 p.m.

Mr. Greeley moved approval.

SO VOTED (5-0)

Correspondence Received

Linda Boucher
19 Bailey Road

Bailey Road Parking Problems

Be Rec'd

The Board asked the Town Manager to have the Police Chief review Ms. Boucher's letter and report back to the Board.

Jason Oliveira
92 Appleton Street

Safety Concerns on Appleton Street

Be Rec'd

The Board moved to refer said letter to TAC for review and recommendations.

Erin Lawler
94 Appleton Street

Safety Concerns on Appleton Street

Be Rec'd

The Board moved to refer said letter to TAC for review and recommendations.

John Belskis
196 Wollaston Avenue

Reappointment of ZBA Chair

Be Rec'd

Henry E. Davidson, Jr.
Davidson Management Company

Be Rec'd

William H. Rothfuchs III
Rothfuchs Development Inc.

Reappointment of ZBA Chair

Be Rec'd

Paul & Lisa Domenici
B&D Building and
Remodeling, Inc.

Reappointment of ZBA Chair

Be Rec'd

James Watriss Dangerous Intersection @ Broadway and Palmer Street Be Rec'd
256 Broadway
The Board moved to refer said letter to TAC for review and recommendations.
Mr. Greeley moved receipt of correspondence received. SO VOTED (5-0)

New Business

Mr. Greeley reminded everyone that there are tickets still available for Friday's 100th Celebration of Arlington Town Hall and Gardens.

Mrs. Mahon requested Town Manager for a follow-up on the July 11th, 2008 letter from Gregory W. Sullivan, Inspector General, The Commonwealth of Massachusetts, regarding the Land Valuation - Minuteman Village. She would like a copy of Town of Arlington's response.

Mrs. Mahon thanked the Fire Dept, Police Dept., Public Works Dept. and Tree Dept. for responding to three emergency situations over the last five days. She is very proud of all Town employees. Also, she was very impressed with the volunteers who helped at the scene on Friday.

Mr. Curro stated he was looking forward to Friday night and announced to the audience that Mrs. Fiore will also be singing with the Selectones.

Mr. Byrne stated he was looking forward to Friday night and is very impressed with our Town Manager Adam Chapdelaine as a singer.

Mr. Byrne stated he, Mrs. Mahon and Mrs. Krepelka attended the Special Needs Banquet on Friday night. He had a wonderful time and it was quite an enjoyable night.

On Saturday, June 1st he attended the 1st meeting of the Public Sessions of the Master Plan Committee at Arlington Senior High School. He stated about 70 people attended and it was a very informative discussion. In spite of the 90 degree heat, everyone enjoyed the luncheon. The next Public Session will be held Tuesday, June 4th at 8:15 a.m. at Cambridge Savings Bank in Arlington Heights.

Mr. Dunn informed the Board he would be discussing the Water Rates and Overnight Parking Fees at the June 17th Meeting and reminded everyone of the June 29th Goal Setting Meeting. Also, the Board agreed to move the July 15th Selectmen's Meeting to July 22nd.

At the July 22nd meeting the signing of the eminent domain takings regarding Pleasant Street and Mass. Avenue will take place.

Mr. Dunn moved that the Board enter executive session to discuss strategy with respect to litigation because:

1. holding this discussion in open session would have a detrimental effect on the litigating position of the Board; and
2. holding this discussion in open session would destroy the confidentiality of certain documents.

He further moved that the Board reconvene in open session at the close of this Executive Session.

In support of this motion, Mr. Dunn stated that:

- (1) The matter to be discussed is the Board's response to a communication from the Attorney General's Office in connection with an Open Meeting Law Complaint filed by Christopher Loretto on or about May 3, 2013.

This matter is not listed on the Agenda for tonight's meeting because the Chair could not reasonably have known about it at the time the

meeting was posted; the correspondence was received by the Town Counsel only this afternoon.

It is not recommended that we wait until our next meeting June 17th, to discuss this correspondence, because that is running up against the due date for the Board's response.

The Board will come out of Executive Session only to take a public vote.

Roll Call:

On Mr. Dunn's motion:

Mr. Curro: Yes
Mr. Dunn: Yes
Mr. Greeley: Yes
Mr. Byrne: Yes
Mrs. Mahon: Yes

Mrs. Mahon made a motion to return to open session in the Selectmen's Chambers

On Mrs. Mahon's motion:

Mr. Curro: Yes
Mr. Dunn: Yes
Mr. Greeley: Yes
Mr. Byrne: Yes
Mrs. Mahon Yes

The Board returned to open session at 9:10 p.m.

Mr. Dunn made motion to have Town Counsel respond to request of the Attorney General and turn over the following documents she has asked for:

1. A copy of the notice for the Board meeting that was held on April 11, 2011.
2. Copies of the open and executive session minutes, whether approved or in draft form, of the Board meeting that was held on April 11, 2011.
3. Any audio or video recording, if in existence, of the Board meeting that was held on April 11, 2011.

Mrs. Mahon moved to adjourn at 9:15 p.m.

SO VOTED (5-0)

A true record: Attest

Marie A. Krepelka
Board Administrator

Next scheduled meeting of BOS June 17, 2013.

6-03-13

Agenda Item Documents Used

- 1 Consent Agenda - Minutes of Meetings - May 13 and May 20, 2013
- 2 Approval. Dept. of Housing & Community Development Submission, Arlington 360

3 Appointment Human Rights Commission - Mel Goldsipe
4 Appointments: Utility Pole Working Group-Julie Benyo, Robert Fredieu, Richard Horan
5 Appointments: Zoning Board of Appeals
6 Request: Outside Furniture Permit Extension: Capitol Theatre
7 Approval: 15th Annual Feast of the East, Saturday - 6-15-13
8 Presentation: Arlington Public Arts Mural Project 2014
9 Approval: Summer Concert Series: June 19, August 21, 2013

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William H. Rothfuchs III Reappointment of ZBA Chair
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James Watriss Dangerous Intersection @ Broadway and Palmer Street
256 Broadway